UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,520	03/17/2004	Andrew Fraser	040225-000000US	5488

			EXAMINER
20350	7590	08/08/2006	ONI, OLUBUSOLA

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ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
		10/803,520	FRASER ET AL.
Office Action Summary		Examiner	Art Unit	
		OLUBUSOLA ONI	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2003*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

1. This action is responsive to communications: Application filed on 03/19/2003.

Claim Objection

2. Claim 16 is objected to. The word "by" on line 1 should be removed.

Claim 13 is objected to. The word "in" on line 2 should be removed.

Applicant should check claims and make appropriate correction.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-24 are rejected under 35 U.S.C. 101 because "a data management

system for identifying patterns in data" is recited; however, it is a computer

software per se and does not produce any tangible result.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boe et

al. (Patent No. U.U. 6,236,975).

For claim 1, Boe teaches "a data management system for identifying patterns in data,

the system comprising an analysis engine for analysing relationships between

responses made by a user to questions relating to a service or products, in which the

analysis engine analyses responses made by a user to one or more constructs"(Col. 4,

lines 25-60).

For claim 2, Boe teaches "in which analysis of the analysis engine involves a process of

fuzzy entailment"(Col.3, lines 15-22)

For claim3, Boe teaches "in which each construct includes two distinct descriptive terms

relating to things provided to users by operators of the system"(Col. 5, lines 4-30)

For claim 4, Boe teaches "in which the descriptive terms of each construct represent contrasting opinions of the thing"(Col. 5, lines 4-30)

For claim 5, Boe teaches "which obtains data from a user that represents a user's opinion of the thing in a range defined by the descriptive terms"(Col. 5, lines 1-9)

For claim 6, Boe teaches "in which there is defined a number of discrete selectable steps within the range, that number being referred to as a mesh"(Col. 10, lines 34-50)

For claim 7, Boe teaches "in which the mesh is adjusted in reaction to inputs made by users"(Col. 10, lines 34-50, Col. 11, lines 30-52)

For claim 8, Boe teaches "in which the mesh is iteratively reduced until a minimum mesh value that yields a meaningful result is identified"(Col. 10, lines 34-66)

For claim 9, Boe teaches "in which the construct is represented by visual control displayed in a graphical user interface on a computer screen"(Col. 10, lines 34-67)

For claim 10, Boe teaches "in which the user can input a value representative of their opinion by adjustment of the position of the control"(Col. 10, lines 34-50)

For claim 11, Boe teaches "in which the results of the analysis are used to deduce which items of information will be of interest to a particular user"(Col. 6, lines 29-67)

For claim 12, Boe teaches "in which the system executes on a server that communicates with a user over a network link"(Col. 8, lines 32-53)

For claim 13, Boe teaches "a user data input component that executes on a remote host system"(Col. 4, lines 1-30)

For claim 14, Boe teaches "in which the data input component is represented in the display generated by a web browser"(Col. 10, lines 9-67)

For claim 15, Boe teaches "in which the data input component is generated by an applet that is downloaded to the remote host from the server"(Col. 3, lines 44-Col. 4, lines 24)

For claim 16, Boe teaches "in which the data is obtained through use of a repertory grid"(Col. 3, lines 15-22, Col. 4, lines 39-60)

For claim 17, Boe teaches "in which incomplete data is processed by matching those parts of the data that are present with characteristics of existing data"(Col. 13, lines 1-58)

For claim 18, Boe teaches "in which the incomplete data is subject to discriminant analysis"(Col. 13, lines 1-58)

For claim 19, Boe teaches "in which data is subject to a process of linearisation prior to its being analysed"(Col. 5, lines 4-30)

For claim 20, Boe teaches "in which the process of linearisation includes conversion of non-numeric data to a numeric form"(Col. 3, lines 15-22)

For claim 21, Boe teaches "in which users are the customers of a business and the output includes predictive information as to the future purchasing behaviour of the customers"(Col. 12, lines 62-67, Col. 13, lines 1-19)

For claim 22, Boe teaches "a data management system implemented as a computer software system"(Col. 14, lines 6-24, Col. 4, lines 1-29)

For claim 23, Boe teaches "a computer software product that implements a data management system"(Col. 14, lines 6-24, Col. 1-29).

For claim 24, Boe teaches "a network server system operative to serve web pages to remote clients comprising a web server for generating HTML code to be rendered on a

remote browser and an analysis server that implements a data management system

according to claim 1, the data management system deriving input data from analysis of

a user's interaction with one or more rendered web pages" (Col. 4, lines 25-60)

Conclusion

8.   The following prior art cited on the PTO-892 form, not relied upon, is considered

pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-

2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA ONI
Examiner
Art Unit 2168

KHANH B. PHAM
PRIMARY EXAMINER